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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

HOWARD JOHNSON INTERNATIONAL,  
INC., a Delaware corporation,

CV NO. 3-03-01663-JE

Plaintiff,

vs.

ORDER GRANTING DISMISSAL OF  
DEFENDANT NORTHWEST LODGING,  
INC. WITHOUT PREJUDICE

~~(PROPOSED)~~

**Clerk's Action Required**

85 FIFTH STREET ASSOCIATES, LLC, a  
Washington limited liability company; 85 FIFTH  
STREET ASSOCIATES, L.P., a Washington  
limited partnership; NORTHWEST LODGING,  
INC., a Washington corporation; LAWRENCE  
P. HORWITZ, individually; and ANDRE S.  
TATIBOUET, individually,

Defendants.

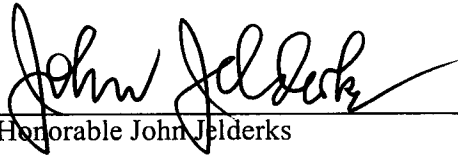
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THIS MATTER having come before the Court on Plaintiff's Motion to Dismiss Defendant Northwest Lodging, Inc. without Prejudice, and the Court having reviewed the submissions of the parties, and being fully advised in the premises, it is now, therefore,

ORDERED, ADJUDGED AND DECREED that Northwest Lodging, Inc. is dismissed from this cause without prejudice and without cost to any party. Howard Johnson International, Inc. shall retain all rights against Northwest Lodging, Inc., including the right to commence an

action against Northwest Lodging, Inc. on the same grounds and for the same reasons as set forth in the First Amended Complaint herein.

DONE IN ~~OPEN COURT~~ this 8<sup>th</sup> day of August 2005.

  
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The Honorable John Jelderks

Presented By:  
GRAHAM & DUNN, PC

By: s/ David M. Byers  
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